Supreme Court, U.S.
FILED
NOV 5 1985
JOSEPH F. SPANIOL, JR.
CLERK

No. 85-650

IN THE

Supreme Court Of The United States

October Term, 1985

JAMES B. McCORSTIN, JR.,
Petitioner

vs.

UNITED STATES STEEL CORPORATION,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

BRIEF IN OPPOSITION

J. FREDRIC INGRAM
F. A. FLOWERS, III
1600 Bank for Savings Building
Birmingham, Alabama 35203
(205) 251-3000

Counsel for Respondent,
United States Steel Corporation

OF COUNSEL:

THOMAS, TALIAFERRO, FORMAN, BURR & MURRAY
1600 Bank for Savings Building
Birmingham, Alabama 35203
(205) 251-3000

BEST AVAILABLE COPY

TABLE OF CONTENTS

Page

Information Required by Rule 28.1 ii

Table of Authorities iv

STATEMENT OF THE CASE 1

REASONS FOR DENYING THE WRIT 6

A. No Conflict Exists Between The Decisions Of The Fifth And Eleventh Circuits Regarding The Claims Of The Purported Opt-In Plaintiffs 7

B. The Other Issues Raised By Petitioner Are Not Issues Of Substantial Importance Warranting Consideration By The Court 8

CONCLUSION 10

Proof of Service 11

INFORMATION REQUIRED BY RULE 28.1

United States Steel Corporation, respondent herein, is a corporation incorporated under the laws of the State of Delaware, and its principal place of business is in Pittsburgh, Pennsylvania. United States Steel Corporation is not a subsidiary of any other company, and all of its subsidiaries are listed below:

1. Bessemer and Lake Erie Railroad Company
2. Birmingham Southern Railroad Company
3. Carnegie Natural Gas Company
4. Duluth, Missabe and Iron Range Railway Company
5. Elgin, Joliet and Eastern Railway Company
6. Navios Corporation
7. Navios Ship Management Services, Inc.
8. Ohio Barge Line, Inc.
9. Percy Wilson Mortgage and Finance Corporation
10. The Pittsburgh & Conneaut Dock Company
11. RMI Company
12. Quebec Cartier Mining Company
13. Union Railroad Company
14. United States Steel International, Inc.
15. USS Engineers and Consultants, Inc.
16. USS Great Lakes Fleet, Inc.
17. USS Great Lakes Fleet Services
18. USS Max Tech Co., Inc.
19. USS Oilwell Supply Company, Inc.
20. USS Lake Transport, Inc.
21. USS Western Hemisphere, Inc.
22. U.S. Steel Credit Corporation
23. U.S. Steel Mining Co., Inc.
24. Warrior & Gulf Navigation Company
25. Emro Land Company
26. Marathon Finance Company
27. Deutsche Marathon Petroleum GmbH
28. Hancock Shipping Company, Limited
29. Marathon International Oil Company

30. Marathon International Petroleum (G.B.) Limited
31. Marathon International Petroleum Supply Company
32. Marathon Marine, Inc.
33. Marathon Oil Company
34. Marathon Oil North Sea (G.B.) Limited
35. Marathon Oil U.K., Ltd.
36. Marathon Petroleum Angola, Ltd.
37. Marathon Petroleum Australia, Ltd.
38. Marathon Petroleum Company
39. Marathon Petroleum Company (Norway)
40. Marathon Petroleum Egypt, Ltd.
41. Marathon Petroleum Indonesia, Ltd.
42. Marathon Petroleum Ireland, Ltd.
43. Marathon Petroleum Kenya, Ltd.
44. Marathon Petroleum Libya, Ltd.
45. Marathon Petroleum Norte Brazil, Ltd.
46. Marathon Petroleum Syria, Ltd.
47. Marathon Petroleum Tunisia, Ltd.
48. Marathon Pipe Line Company
49. Pan Ocean Energy Company
50. Pan Ocean Oil Corporation (Abu Dhabi)
51. USS Portfolio, Inc.

TABLE OF AUTHORITIES

Cases: *Page(s)*

Bean v. Crocker Nat'l Bank, 600 F.2d 754 (9th Cir. 1979) 2

Block v. R. H. Macy & Co., Inc., 712 F.2d 1241 (8th Cir. 1983) 9

Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981) (*en banc*) 7

LaChapelle v. Owens-Illinois, Inc., 513 F.2d 286 (5th Cir. 1975) 2, 7

Laffey v. Northwest Airlines, Inc., 567 F.2d 429 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978) 5

Lorillard v. Pons, 434 U.S. 575 (1978) 2

Marshall v. Kimberly-Clark Corp., 625 F.2d 1300 (5th Cir. 1980) 7

McCorstin v. United States Steel Corp., 621 F.2d 749 (5th Cir. 1980) (*McCorstin* I) 3, 8

McCorstin v. United States Steel Corp., No. 79-3593 (5th Cir. unpublished 1980) (*McCorstin* II) 4, 8

Mistretta v. Sandia Corp., 639 F.2d 588 (10th Cir. 1980) 2

NLRB v. Hendricks City Rural Electrical Corp., 454 U.S. 170 (1981) 9

Payne v. Travenol Laboratories, Inc., 673 F.2d 798 (5th Cir.), *cert. denied*, 459 U.S. 1038 (1982) 5

Price v. Maryland Casualty Co., 561 F.2d 609 (5th Cir. 1977) 7

Rudolph v. United States, 370 U.S. 269 (1962) 9

Southern Power Co. v. North Carolina Public Service Co., 263 U.S. 508 (1924) 9

Treadwell v. Alexander, 707 F.2d 473 (11th Cir. 1983) 9

United States v. Gordon, 634 F.2d 639 (1st Cir. 1980) 9

United States v. Medel, 592 F.2d 1305 (5th Cir. 1979) 9

TABLE OF AUTHORITIES – (Continued)

Cases: *Page(s)*

Wetzel v. Liberty Mut. Ins. Co., 508 F.2d 239 (3d Cir.), *cert. denied*, 421 U.S. 1011 (1975) 5

Woods v. New York Life Ins. Co., 686 F.2d 578 (7th Cir. 1982) 2

Yates v. Mobile County Personnel Board, 658 F.2d 298 (5th Cir. 1981) 5

Statutes:

29 U.S.C. § 216(b) 2

29 U.S.C. § 621 *et seq.* ..... *passim*

Rules:

Rule 17, Rules of the Supreme Court of the United States 6

No. 85-650

IN THE

Supreme Court Of The United States

October Term, 1985

JAMES B. McCORSTIN, JR.,
Petitioner

vs.

UNITED STATES STEEL CORPORATION,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

BRIEF IN OPPOSITION

STATEMENT OF THE CASE

Petitioner, James B. McCorstin, Jr., commenced this action against the respondent, United States Steel Corporation, by filing a complaint in the United States District Court for the Northern District of Alabama on January 31, 1974. (*McCorstin* I). Plaintiff alleged he had been laid off in a reduction-in-force, effective March 31, 1972, and subsequently retired in violation of the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.* ("ADEA" or the "Act").

On April 16, 1974, petitioner filed a First Amended Complaint seeking to add, as additional named plaintiffs, George T. Storey, Orman V. Canant, Willard F. Nelson, and Helen B.

McKinney.[1] Thereafter, respondent filed a motion for partial summary judgment seeking a dismissal of the claims of those four individuals. By order dated December 16, 1974, the court granted respondent's motion. The court found the facts to be undisputed that petitioner's notice of intent to sue dated June 28, 1972 and companion documents which were filed with the Department of Labor did not purport to pursue a claim on behalf of others similarly situated. Accordingly, the court held that the individuals seeking to intervene could not do so because none of them had filed a written notice of intent to sue with the Department of Labor within 180 days after their retirement dates, the latest being November 1, 1972, as required by 29 U.S.C. § 626 (d).[2]

A trial on the merits of petitioner's individual claim commenced on September 21, 1977, and at the close of petitioner's evidence, respondent moved to dismiss this action pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure. The court recessed the trial, but before it ruled on respondent's motion this Court rendered its decision in *Lorillard v. Pons*, 434 U.S. 575 (1978), holding that, because the ADEA provides that it "shall be enforced in accordance with the powers, remedies and procedures" of the Fair Labor Standards Act, 29 U.S.C. § 626 (b), parties in ADEA actions, upon request, are entitled to a jury trial. Because petitioner's jury demand had previously been struck, the district court notified the parties that it was

---

[1]Because the ADEA adopts the enforcement provisions of the Fair Labor Standards Act, including § 16 (b), individuals seeking to intervene in an ADEA action are required to affirmatively "opt-in," on an individual basis, by filing a written consent to sue. *See, e.g., Woods v. New York Life Ins. Co.*, 686 F.2d 578 (7th Cir. 1982); *Mistretta v. Sandia Corp.*, 639 F.2d 588, 594-95 (10th Cir. 1980); *Bean v. Crocker Nat'l Bank*, 600 F.2d 754, 759 (9th Cir. 1979); *LaChapelle v. Owens-Illinois, Inc.*, 513 F.2d 286, 288 (5th Cir. 1975). *See generally* 29 U.S.C. §§ 216 (b) and 626 (b).

[2]Petitioner is incorrect in stating in his petition that the opt-in issue was ruled on before he was given an opportunity to conduct discovery relating to that issue. In fact, he was given ample opportunity to conduct discovery on that issue, as evidenced by the six affidavits, a deposition, and over seventy pages of other evidentiary material submitted by petitioner in opposition to the respondent's motion.

considering respondent's motion as one for summary judgment under Rule 56(b), Fed.R.Civ.P., or directed verdict under Rule 50(a), Fed.R.Civ.P. Thereafter, the court granted the motion, and judgment was entered in favor of respondent. Petitioner then appealed.

In 1979, while his appeal was pending in the Fifth Circuit, petitioner filed another action in the district court against respondent. (*McCorstin* II). In that case, petitioner alleged that respondent had violated the Act by (1) forcing him to retire; (2) failing to post the informational notices concerning the ADEA in conspicuous places as required by the Act; and (3) publishing advertisements in the Birmingham News in 1976 expressing its preference for employees under the age of 40 years. Contrary to petitioner's assertion on page 8 of his petition, the complaint filed in *McCorstin* II does not list any additional named plaintiffs, and no one attempted to opt-into *McCorstin* II.

Respondent filed a motion for summary judgment in *McCorstin* II, which was granted by the district court. The court held that the prior decision in *McCorstin* I was *res judicata* as to the retirement/termination claim and that petitioner lacked standing to raise the claims of illegal posting and advertising because he had not been employed by respondent since 1972. Petitioner also appealed the district court's order entered in *McCorstin* II.

On July 16, 1980, the Fifth Circuit rendered its decision in *McCorstin* I, holding that (1) the four purported opt-in plaintiffs could not intervene because none of them filed any timely notices of intent to sue with the Department of Labor and petitioner's notice of intent to sue dated June 28, 1972 and companion documents, and his subsequent negotiations with the Department of Labor, did not purport to include others similarly situated; and (2) a jury issue existed with respect to petitioner's individual claim which required a remand for a jury trial on the merits of that claim. *McCorstin v. United States Steel Corp.*, 621 F.2d 749 (5th Cir. 1980) (*McCorstin* I).

Prior to the Fifth Circuit's decision in *McCorstin* I, a separate panel of the Fifth Circuit, on June 10, 1980, affirmed the

district court's decision in *McCorstin* II. Pursuant to a motion filed by the petitioner, the panel which heard *McCorstin* II entered a clarifying order, stating that "we did not anticipate or know of the forthcoming reversal" in *McCorstin* I. *McCorstin v. United States Steel Corp.*, No. 79-3593 (5th Cir. unpublished 1980) (App. 1E-4E). It is clear, however, that the clarifying order entered in *McCorstin* II did not vacate the prior decision by the district court. The court stated:

> Under the circumstances *we do not vacate our earlier rulings,* but manifest justice requires a modification and clarification. (App. 4E) (emphasis added).

The Fifth Circuit further stated that nothing contained in its ruling in *McCorstin* II (a ruling affirming the district court's decision) would operate with prejudice against the petitioner as to any amendments that might be *proposed* in *McCorstin* I on remand:

> Nothing contained in the rulings in this matter shall operate with prejudice against the appellant, McCorstin, as to any amendments he may propose to his pleadings in CA-74-H-100-S. Multiple suits are not necessary nor desirable. (App. 4E).

On April 15, 1982, petitioner filed a motion in the district court to consolidate this action with *McCorstin* II. The court overruled petitioner's motion on the ground that *McCorstin* II was no longer a viable action and that all allowable claims arising out of *McCorstin* II either had been or would be allowed by amendment in this action.[3] (App. 1F-8F).

One month later, petitioner's fourth attorney filed another motion to amend the complaint and filed and delivered to respondent a list of twenty-nine individuals who desired to opt-

---

[3]The court allowed petitioner to amend his complaint in *McCorstin* I to assert that respondent failed to post the notices concerning the ADEA as required by the Act and later granted a motion by petitioner to amend his complaint to assert that respondent published advertisements indicating a preference for young employees in violation of the Act, the remaining claim asserted in *McCorstin* II.

into this action along with a statement of their claims.[4] *This was the first attempt by anyone to opt-into this action since 1974.* On July 9, 1982, respondent filed a response in opposition to petitioner's motion to amend and moved for partial summary judgment on three grounds: (1) the facts were undisputed that the claims of the twenty-nine individuals who sought to opt-into this action were barred by their failure to comply with the 180-day filing requirement contained in § 626(d) of the Act; (2) even if the 180-day filing requirement of the ADEA is analogized to the 180-day filing requirement of Title VII, the facts were undisputed that the claims of the individuals who sought to opt-into this action were nevertheless barred because none of them could have filed a timely notice of intent to sue on August 23, 1976, the date the petitioner, McCorstin, filed his purported "class notice," that notice being the next notice filed by anyone after June 28, 1972 that conceivably could encompass the claims of others;[5] and (3) even if one assumed a willful violation of the ADEA, their claims

---

[4]In his List of Parties, petitioner lists thirty-two individuals as unsuccessful intervenors in the district court. He is in error. Three of those individuals, W. J. Barrett, Joseph L. Johnson and James E. Todd, never sought to intervene at any time in the district court.

[5]In Title VII actions, those employees who could not have filed a timely charge of discrimination at the time the named plaintiff filed his charge cannot be represented as class members or intervene in the action as co-plaintiffs. *Payne v. Travenol Laboratories, Inc.*, 673 F.2d 798, 814 (5th Cir.), *cert. denied*, 459 U.S. 1038 (1982); *Yates v. Mobile County Personnel Board*, 658 F.2d 298, 299 (5th Cir. 1981); *Laffey v. Northwest Airlines, Inc.*, 567 F.2d 429, 472 (D.C. Cir. 1976), *cert. denied*, 434 U.S. 1086 (1978); *Wetzel v. Liberty Mut. Ins. Co.*, 508 F.2d 239, 246 (3d Cir.), *cert. denied*, 421 U.S. 1011 (1975). The rationale behind this principle is that the named plaintiff's filing cannot revive claims which are no longer viable at the time of the filing since this would be using a procedural device to expand substantive rights.

It should also be noted that the Carlton notice of intent to sue which was filed with the Department of Labor on November 12, 1976, (App. II-7I), and all the other charges filed by the petitioner after he left the employment of respondent, are of no avail to the individuals who sought to opt-into this action because they too were filed subsequent to the August 23, 1976 notice, and therefore, more than 180 days after the latest of the alleged unlawful employment practices occurred.

were barred by the applicable statute of limitations contained in § 626 (e) of the Act. The motion was granted by the district court on all these grounds on August 24, 1982, and, consequently, petitioner's motion to amend was denied.[6]

After further discovery, which had been ongoing since the remand of *McCorstin* I in 1980, the second trial of this action finally commenced on March 19, 1984 and concluded on April 9, 1984.[7] The jury returned a verdict in favor of the respondent, and petitioner's motion for new trial was overruled on the ground that the jury's verdict "was supported by substantial evidence." Judgment was entered in favor of respondent, and petitioner appealed.

On appeal, the Eleventh Circuit summarily affirmed the judgment of the district court, stating that "[f]rom our consideration of the record, briefs and oral argument we conclude that reversible error has not been demonstrated." (App. 2A). Petitioner's petition for rehearing and rehearing *en banc* was denied on July 8, 1985. (App. 1B-2B).

REASONS FOR DENYING THE WRIT

Petitioner has failed to present any "special and important reasons" for the issuance of a writ of certiorari. Sup. Ct. Rule 17. The decision by the court below is factually sound, based on sound legal principles, and is not in conflict with any deci-

[6]The motion seeking to add these other twenty-nine individuals as parties was the *only* motion to amend that was denied by the district court on remand from the Fifth Circuit. Contrary to petitioner's assertion throughout his petition, all other amendments proposed by petitioner were granted by the district court, and all claims were resolved in one proceeding as ordered by the Fifth Circuit in *McCorstin* II.

[7]At trial petitioner called 55 witnesses and offered 319 exhibits. Not including time for selecting the jury, opening statements, closing arguments, and numerous conferences while the jury was excused, petitioner utilized 53.08 hours in presenting his case while the respondent presented its case in 13.16 hours. Thus, contrary to the assertion in his petition, petitioner was given a full opportunity to present his case, especially in light of the fact that in 1982 and 1983, less than 3% of all employment discrimination trials lasted longer than nine days.

sion of another federal court of appeals or any decision of this Court. The decision below simply does not present any issue of substantial importance warranting consideration by the Court.

A. No Conflict Exists Between The Decisions Of the Fifth And Eleventh Circuits Regarding The Claims Of The Purported Opt-In Plaintiffs.

Petitioner argues that the Court should issue a writ of certiorari because there is a conflict in the decisions of the Fifth and Eleventh Circuits regarding the claims of the twenty-nine individuals who sought to opt-into this action. Petitioner's argument is totally without merit; there is simply no conflict in this case.

The Eleventh Circuit affirmed the decision of the district court that under *any* judicially recognized theory regarding the applicability of the 180-day filing requirement to "opt-in" plaintiffs, the facts were undisputed that the claims of the individuals who sought to opt-into this action were time-barred under § 626(d) of the Act. The court below also affirmed the decision of the district court that even if one assumed a willful violation of the ADEA, the facts were undisputed that the claims of the individuals who sought to opt-into this action were barred by the three-year statute of limitations contained in § 626(e) of the Act. In reaching its holding, the district court relied on prior precedent from the former Fifth Circuit, including *Marshall v. Kimberly-Clark Corp.*, 625 F.2d 1300 (5th Cir. 1980); *Price v. Maryland Casualty Co.*, 561 F.2d 609 (5th Cir. 1977); and *LaChapelle v. Owens-Illinois, Inc.*, 513 F.2d 286 (5th Cir. 1975). In fact, the district court and the Eleventh Circuit were bound by these decisions, because in *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), the Eleventh Circuit adopted as precedent all former Fifth Circuit cases submitted or decided prior to October 1, 1981. The Eleventh Circuit and district court followed these former Fifth Circuit decisions in reaching their holdings,

and no contrary decision is cited by petitioner because no such contrary decision exists. Hence, there is no conflict between the two circuits.

Nor is there any conflict between the decision below and the decisions of the Fifth Circuit in *McCorstin* I and II. In *McCorstin* I and II, the issue of whether the twenty-nine individuals who sought to opt-into this action could do so was not presented because the issue did not arise until 1982, two years after the decisions in *McCorstin* I and II were rendered.

Finally, there is no conflict among *any* of the circuits on the "opt-in" issue raised herein by petitioner. The decision by the court below, that under the particular facts of this case, the claims of the individuals who sought to opt-into this action are time-barred under *two* provisions of the ADEA, simply does not present any special and important reason for the issuance of a writ of certiorari.[8]

B. The Other Issues Raised By Petitioner Are Not Issues Of Substantial Importance Warranting Consideration By the Court.

Another reason advanced by petitioner for granting the writ is that the district court abused its discretion at trial in refusing to allow him to introduce evidence regarding events occurring after 1975, particularly the so-called "Litras letter" dated August 18, 1982. Of course, it is well settled that a trial court's rulings on relevancy and admissibility of evidence will not be

---

[8]It appears that petitioner also argues that because he was proceeding *pro se*, the district court and the Eleventh Circuit did not allow him to propose that others similarly situated should be joined as "opt-in" plaintiffs, and did not allow petitioner to represent those individuals. Petitioner is in error, as demonstrated in the Statement of the Case, *supra*. Throughout this proceeding, in the district court and on appeal, petitioner sought to join others, either as additional named plaintiffs or intervenors. These other individuals were not joined as parties, *not* because petitioner was proceeding *pro se* (in fact in both 1974 and 1982, when petitioner sought to join others, he was represented by an attorney), but because their claims were time-barred by *two* separate provisions of the ADEA. Petitioner is not being candid with the Court when he argues otherwise.

disturbed absent a showing of abuse of discretion. *See, e.g., Block v. R. H. Macy & Co., Inc.*, 712 F.2d 1241 (8th Cir. 1983); *Treadwell v. Alexander*, 707 F.2d 473 (11th Cir. 1983); *United States v. Gordon*, 634 F.2d 639 (1st Cir. 1980); *United States v. Medel*, 592 F.2d 1305 (5th Cir. 1979). In this action, the Litras letter, which dealt with the treatment of management trainees at respondent's Fairfield Works during the 1982 reduction-in-force, was written in August, 1982, over *ten years* after petitioner was laid off. Thus, the facts underlying petitioner's claim concerning the 1972 reduction-in-force are totally different from the facts underlying the 1982 reduction-in-force.

Moreover, at trial, the court allowed petitioner to introduce all other competent evidence, provided that the evidence related to events occurring between 1968 and 1976, including the complete employment history of all exempt employees employed prior to the 1972 reduction-in-force, as well as the complete employment history of all management trainees employed between 1968 and 1976. From the jury's verdict, one can only conclude that either no pattern of age discrimination was established, or that the petitioner's layoff was unaffected by, or unrelated to, the existence of any such alleged pattern of treatment. For these reasons, and for the additional reason that the Litras letter was ambiguous (in that respondent's policy regarding the treatment of management trainees might have changed between 1972 and 1982), the district court excluded the letter. The court below affirmed this evidentiary ruling, a decision which clearly does not present any issue of substantial importance warranting consideration by the Court.[9]

Finally, petitioner argues that the writ should be granted because the district court abused its discretion at trial in its charge to the jury. This argument by petitioner was raised in the

[9]It is also well settled that whether the evidence is sufficient to support a jury's verdict is an issue that does not merit consideration by the Court. *See, e.g., NLRB v. Hendricks City Rural Electric Corp.*, 454 U.S. 170, 176 n.8 (1981); *Rudolph v. United States*, 370 U.S. 269 (1962); *Southern Power Co. v. North Carolina Public Service Co.*, 263 U.S. 508 (1924).

court below and rejected because the trial court's charge placed the issue of discrimination based on age squarely before the jury. Like the other issues raised by petitioner, this final issue does not present any special and important reason for the issuance of a writ of certiorari.

CONCLUSION

In light of the foregoing, this case does not present any issue of substantial importance that merits consideration by the Court. The decision below is not in conflict with any decision of another federal court of appeals or any decision of this Court, and does not otherwise present any "special and important reason" for the issuance of a writ of certiorari. Accordingly, the petition should be denied.

Respectfully submitted,

J. Fredric Ingram

J. Fredric Ingram

F. A. Flowers III

F. A. Flowers, III

Counsel for Respondent,
United States Steel Corporation

OF COUNSEL:

THOMAS, TALIAFERRO, FORMAN, BURR & MURRAY
1600 Bank for Savings Building
Birmingham, Alabama 35203
(205) 251-3000

PROOF OF SERVICE

I, F. A. Flowers, III, a member of the Bar of this Court, as counsel of record for respondent herein, United States Steel Corporation, hereby certify that three copies of the above and foregoing Brief in Opposition have been served by United States mail, properly addressed and postage prepaid, upon James B. McCorstin, Jr., 1108 50th Street West, Birmingham, Alabama 35208, on this 4th day of November, 1985.

It is also certified that all parties required to be served have been served.

F. A. Flowers, III

F. A. Flowers, III

Sworn to and subscribed before me
this 4th day of November, 1985.

Susan S. Turner

Notary Public